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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LISA MARIE ROBERTS,

No. 3:08-cv-01433-MA

Petitioner,

PETITIONER'S EXHIBITS TO
MEMORANDA IN SUPPORT OF
RENEWED MOTION FOR
IMMEDIATE RELEASE

vs.

NANCY HOWTON,

Respondent.

EXHIBIT

DESCRIPTION

A July 2, 2013, correspondence concerning investigation from O. Scott Jackson, Sr. Assistant Attorney General to Steven T. Wax, Federal Public Defender;

July 17, 2013, correspondence from Steven T. Wax, Federal Public Defender to O. Scott Jackson, Sr. Assistant Attorney General

- B July 26, 2013, Respondent's status report;
- August 26, 2013, Respondent's status report
- C Declaration of Rod Saiki in Support of Motion for Release
- D Department of State Police Forensic Laboratory August 7, 2002,
DNA report; Conversation Log 5/23/03, Rod Underhill visit to office
- E Michael T. Propst, M.D. report dated June 20, 2013, to William J.
Teesdale, Federal Public Defender Chief Investigator
- F Multnomah County Circuit Court, State of Oregon v. Brian Lee
Tuckenberry, Case No. 100632241, Judgment entered December 17,
2010
- Tuckenberry Police Reports:
- Portland Police Bureau Special Report, Case No. 10-060061,
Reporting Officer Jennifer Hertzler dated 07/28/10, 1715, Contact
and Interview with Rhiannon Alexandria Miller;
- Portland Police Bureau Special Report, Case No. 10-060061,
Reporting Officer M. Gallagher dated 07/28/10, 1900, Contact and
Interview with Rhiannon A. Miller;
- Clark County Sheriff's Office Incident Report, Case No. 04-18285,
Reporting Officer Gomez, Frank, dated 12/22/2004 for incident on
12/21/2004 at 23:41, Shawntina Ware;
- Clark County Sheriff's Office Incident Report, Case No. 04-18285,
Reporting Officer Boyle, Sean, dated 12/22/2004 for incident on
12/21/2004 at 23:41, contact with Tyes Strickland, Devario
McFarland, James Dixon, Brian Tuckenberry, and Deitrus Rayford;

Portland Police Bureau Custody Report, Case No. 05122324,
Reporting Officers Feist and Corona, dated 12/16/05 at 12:50, Brian
L. Tuckenbury;

Portland Police Bureau Custody Report, Case No. 05122324,
Reporting Officer N. Frankus, dated 12/16/05 at 12:45, Chrystina I.
Atkeson;

Portland Police Bureau Special Report, Case No. 05122324,
Reporting Officer Feist, dated 12/16/05 at 12:50, Brian L.
Tuckenberry;

Portland Police Bureau Special Report, Case No. 05122324,
Reporting Officer Zanetti, dated 12/16/05 at 12:45, Brian L.
Tuckenberry;

Portland Police Bureau Investigation Report, Case No. 10-047761,
Reporting Officer Scherise Hobbs, dated 06/12/10 at 0759, Rhiannon
A. Miller and Brian Lee Tuckenberry;

Gresham Police Bureau Report, Case No. 03-12279, dated 09/04/03 at
0254, Allison B. Johnson;

Baker County Sheriff's Office Incident Report, No. P200401304,
Reporting Officer DPSST No. 30852, dated 07/21/2004 at 9:38 p.m.,
Brian Lee Tuckberry;

Portland Police Bureau Investigation Report, Case No. 04-4588,
Reporting Officer Seals, dated 01/18/04 at 1700, Tyshika Smith;

Portland Police Bureau Family Abuse Supplemental Report, Case
No. 04-4588, Reporting Officer Seals, Tyshika Smith;

Portland Police Bureau Investigation Report, Case No. 06-51724,
Reporting Officer Schmantz, dated 06/10/06 at 0207, Harrell, Jessica;

Portland Police Bureau Custody Report, Case No. 06-51724,
Reporting Officer Schmantz, dated 06/10/06 at 0207, Brian L.
Tuckenberry;

Portland Police Bureau Family Abuse – Supplemental Report, Case
No. 06-51724, Reporting Officer Schmantz, Jessica Harrell;

Portland Police Bureau Investigation Report, Case No. 08-037504,
Reporting Officer S. Elliott, dated 04/20/08 at 2032, Davis, Ashley;

Portland Police Bureau Investigation Report, Case No. 10-31497,
Reporting Officer Filbert, dated 04/1/9/10 at 2211, Miller, Rhiannon
A.;

Portland Police Bureau Investigation Report, Case No. 10-31497,
Reporting Officer Filbert, Miller, Rhiannon;

Clackamas County Sheriff, Incident Report, No. 10-17045, Reporting
Officer Steinberg, dated 06/04/10 at 2125, Miller, Rhiannon
Alexandria;

Clackamas County Sheriff, Domestic Violence Supplemental
Report, No. 10-17045, Reporting Officer Steinberg, dated 06/04/10 at
10 p.m., Rhiannon Alexandra Miller;

Clackamas County Sheriff, Property in Custody Report, No.
10-17045, Reporting Officer Steinberg, dated 06/04/10 at 10 p.m.,
Tuckenberry, Brian;

Clackamas County Sheriff, Supplemental Report, No. 10-17045,
Reporting Officer A. Shelly and J. Ritter, dated 06/04/10 at 21:26,
Witness Statements

G

Nettles Police Reports:

Portland Police Bureau, Investigation Report, Case No. 10-030721,
Reporting Officer Kurt Sardeson, dated 04/17/10 at 0929; Brown,
Amber Marie

Portland Police Bureau, Custody Report, Case No. 10-030721,
Reporting Officer Shafer, dated 04/17/10 at 0929, Nettles, Tyson;

Portland Police Bureau Family Abuse – Supplemental Report, Case
No. 10-30721, Brown, Amber;

Portland Police Bureau, Special Report, Case No. 10-030721,
Reporting Officer Shafer, dated 04/17/10 at 0929, Brown, Amber

Portland Police Bureau, Forensic Evidence Division Special Report,
Case No. 10-30721, Reporting Officer Jones, Ken, dated 4/17/2010 at
10:06, Brown, Amber Marie;

Portland Police Bureau, Confidential Investigation Report, Case No.
03-26230, Reporting Officer Gulsvig, dated 03/18/03 at 0021,
Thomas, Jasmine;

Portland Police Bureau, Confidential Identification Division Special
Report, Case No. 03-26229, Investigation by Criminalist James W.
Ziegler, dated 03/20/2003 at 14:20, Thomas, Jasmine;

Portland Police Bureau, Confidential Special Report, Case No.
03-26230, Reporting Officer Det. C. W. Yost, dated 05/02/03 at 0830,
Thomas, Jasmine;

Portland Police Bureau, Confidential Special Report, Case No.
03-26230, Reporting Officer Det. C. W. Yost, dated 05/15/03 at 0800,
Thomas, Jasmine;

Portland Police Bureau, Special Report, Case No. 03-26230,
Reporting Officer Det. C.W. Yost, dated 08/08/03 at 1500, Thomas,
Jasmine;

Portland Police Bureau, Investigation Report, Case No. 03-26229,
Reporting Officer Gulsvig, dated 03/18/03 at 1700 – 2300, Rue, Misty
R.;

Portland Police Bureau, Confidential Identification Division Special
Report, Case No. 03-26230, Investigation by Criminalist James W.
Ziegler, dated 03/20/2003, Rue, Misty R.;

Portland Police Bureau, Investigation Report, Case No. 03-56221,
Reporting Officer S.C. Dunick, dated 6/15/02 at 2101, David, Tyler
L.;

Portland Police Bureau, Custody Report, Case No. 02-56221,
Reporting Officer Dunick, dated 6/15/02 at 2101, Nettles, Tyson M.J.;

Multnomah County Circuit Court, Oregon Uniform Citation and
Complaint Z1088508, dated 6/15/02, Nettles, Tyson Michael J.;

Portland Police Bureau, Custody Report, Case No. 02-29952,
Reporting Officer Claude L. Hussey, dated 04/01/02 at 2350, Nettles,
Tyson Michael J.;

Portland Police Bureau, Special Report, Case No. 02-29952,
Reporting Officer Kile, dated 04/02/02 at 0036, Nettles, Tyson
Michael James;

Portland Police Bureau, No License/No Insurance Tow Report, Case
No. 02-29952, Reporting Officer Claude L. Hussey, dated 04/01/02 at
2350, Nettles, Tyson Michael James;

Portland Police Bureau, Property/Evidence Receipt, Case No. 02-29952, Receipt No. 826853, dated 04/02/02 at 0055, Nettles, Tyson Michael James;

Portland Police Bureau, Special Report, Case No. 02-52469, Reporting Officer K. R. Nelsun, dated 06/05/02 at 1330, Nettles, Tyson Michael James;

Portland Police Bureau, Property/Evidence Receipt, Case No. 02-52469, Receipt No. 819728, dated 06/05/02;

Portland Police Bureau, Investigation Report, Case No. 03-37745, Reporting Officer Det. C.W. Yost, dated 04/23/03 at 0940, Porter, Mary Katheryn;

Portland Police Bureau, Special Report, Case No. 03-37745, Reporting Officer Det. C.W. Yost, dated 05/14/03 at 1030, Porter, Mary Kathryn;

Portland Police Bureau Investigation Report, Case No. 03-53352, Reporting Officer Det. C.W. Yost, dated 06/03/03 at 1030, Hobart, Jennica Hope;

Portland Police Bureau, Custody Report, Case No. 02-33207, Reporting Officer P. Dodge, dated 04/09/02 at 2100, Batchelor, Demetrius;

Portland Police Bureau, Property/Evidence Receipt, Case No. 02-33207, Receipt No. 811483, Batchelor, Demetrius;

Portland Police Bureau, Investigation Report, Case No. 02-42620, Reporting Officer Zanetti, dated 05/07/02 at 1453, Lugo, Lea;

Portland Police Bureau, Custody Report, Case No. 02-42620, Reporting Officer Zanetti, dated 05/07/02 at 1453, Vargas, Victoria Jeannette;

Portland Police Bureau, Multiple Worthless Document Report, Case No. 02-42620, Reporting Officer A. Zanetti, dated 05/07/02 at 1453, Lugo, Lea;

Portland Police Bureau, Investigation Report, Case No. 02-42620, Reporting Officer L. Graham, dated 05/07/02 at 1530, Nettles, Tyson Michael James;

Multnomah County Circuit Court, Oregon Uniform Citation and Complaint No. Z1090176, dated 05/07/02, Vargas, Victoria Jeanette;

Portland Police Bureau, Property/Evidence Receipt, Case No. 02-42620, Receipt No. 825401, Nettles, Tyson;

Portland Police Bureau, Property/Evidence Receipt, Case No. 02-42620, Receipt No. 825402, Lugo, Lea;

Portland Police Bureau, Investigation Report, Case No. 02-81449, Reporting Officer Winsfield, dated 08/26/02 at 1529, Sain, Nanci May;

Portland Police Bureau, Special Report, Case No. 02-42620, Reporting Officer Pagani, dated 04/20/03 at 0210, Batchelor, Demetrius Gene;

Portland Police Bureau, Special Report, Case No. 03-39748, Reporting Officer Dinnel, dated 04/20/03 at 0325, Batchelor, Demetrius;

Portland Police Bureau, Special Report, Case No. 03-39748, Reporting Officer Dinnel, dated 04/20/03 at 0330, Nettles, Tyson

Portland Police Bureau, Special Report, Case No. 03-39748, Reporting Officer Searle, dated 4/20/03 at 0330, Nettles, Tyson

H

Cell Phone Records

Pgs. 1-5: Verizon response to DA subpoena requesting subscriber information for 971-219-3547 and 971-219-4188;

Pg. 6: Gervais Telephone Co response to DA subpoena requesting subscriber information for 503-792-4441;

Pgs. 7-11: Qwest response to DA subpoena requesting subscriber information for Phone Nos. 503-285-4788; 503-257-6634; 03-281-7855; 503-282-9067; 602-339-8794; 360-253-8951;

Pgs. 12-14: Qwest response to DA subpoena re: phone numbers 480-474-8711 and 480-219-7636;

Pgs. 15-16: Voicestream subpoena for subscriber info for Phone number 503-997-3829;

Pgs. 17-21: Sprint response to subpoena for subscriber info for phone number 804-651-1650;

Pgs. 22-69: AT&T Wireless records for Jerri Williams' cell phone 503-819-2183;

Pgs. 70-87: Verizon records for Terry Collins cell phone (971) 219-3547;

Pgs. 88-122: Qwest records for Julia Patterson's cell phone (503) 421-1669;

Pgs. 123-187: Verizon cell site records for Lisa Roberts' cell phone (971) 219-4188

- I Excerpt of Verizon Wireless Law Enforcement Resource Team (LERT) Guide
- J Apparent Prosecution Notes Regarding Information From The Defense
- K Report on location of Cell Tower 106
- L Circuit Court for Multnomah County, *State of Oregon v. Lisa Mechelle Roberts*, No. 0208-34931, Transcript of bail hearing, May 21, 2003
- M Alex Shanks Qwest Cell Phone Records Apparently Not Provided to Defense Counsel
- N Memo dated August 21, 2003 re: Lisa Roberts (cell phones), stamped 1358 WSB;
- O Email from Ted Tolliver to Steven Smith dated September 8, 2003 at 1:13 p.m., Subject: Lisa Roberts, stamped 1355 WSB
- P Multnomah County Circuit Court, *State of Oregon v. Lisa Marie Roberts*, Case No. 02-0834931, Subpoena Duces Tecum issued to Verizon Wireless Legal Compliance Dept. by William Brennan on July 22, 2004;

Multnomah County Circuit Court, *State of Oregon v. Lisa Marie Roberts*, Case No. 02-0834931, Subpoena Duces Tecum issued to AT&T Wireless by William Brennan on June 30, 2004;
- Multnomah County Circuit Court, *State of Oregon v. Lisa Marie Roberts*, Case No. 02-0834931, Subpoena Duces Tecum issued to Sprint Corp. Security by William Brennan on June 30, 2004;

Multnomah County Circuit Court, *State of Oregon v. Lisa Marie Roberts*, Case No. 02-0834931, Subpoena Duces Tecum issued to Qwest Corp. by William Brennan on June 30, 2004;

- Q Email traffic from Alison Clark to Andrew Hallman dated 8/18/2010;
- Email traffic from Michelle Sweet to Samuel Kubernick dated 08/07/13 to 08/13/13;
- R Memo from Roger Harris, Investigator, to Ron Fishback dated December 11, 2002
- S Transcript of call with gentleman who picks mushrooms in Kelley Point Park;
- T Medical Records Regarding Lisa Roberts' Hand Injury
- U Excerpt of Recently Disclosed Portland Police File
 - Handwritten notes re: Sperm and Saliva samples and Ed Mills;
 - Portland Police Bureau, Investigation Report, Case No. 03-3011, Reporting Officer R. Graichen, dated 01/07/02 at 1330, Tolliver, Sanovia L., A1 Tuckenbury, Brian;
 - Clark-Skamania Drug Task Force Fax Transmission Cover Sheet dated 11-12, 2004, to Det. Rich Austria;
 - Clark-Skamania Drug Task Force Case Report Checklist (13 pages), Case No. MC622-3133, dated 4-18-02, Suspect Name: Shanks, Alex;
 - Multnomah County Sheriff's Office Fax Transmission Cover Sheet dated 05-16-02 to TFA Mary Parsons;

Fastrax Investigations correspondence to Bill Brennan and Associates, dated 11/03/2004, Subject: Alex Shanks;

Notes from 09/19/03 Teleconference call with Tim Navratil;

Handwritten notes(3 pages), Jennifer Locke, dated 5-29-02;

Handwritten notes (1 page) from yellow steno pad, Jennifer Locke, stamped 129 of 281;

V Still Photo from Video of the Scene at Kelley Point Park

Photo from the Scene at Kelley Point Park

W Don Geistlinger Declaration – Dated September 5, 2013

X Patrick Sweeney Declaration – Dated September 6, 2013

Respectfully submitted this 6th day of September, 2013.

/s/ Steven T. Wax

Steven T. Wax
Federal Public Defender

/s/ Alison Clark

Alison Clark
Assistant Federal Public Defender